

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2019-716-E**

5 AN ORDINANCE ADOPTING A LARGE-SCALE AMENDMENT  
6 TO THE FUTURE LAND USE MAP SERIES OF THE *2030*  
7 *COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND  
8 USE DESIGNATION FROM LIGHT INDUSTRIAL (LI) TO  
9 LOW DENSITY RESIDENTIAL (LDR) ON APPROXIMATELY  
10 251.24± ACRES LOCATED IN COUNCIL DISTRICT 8 AT 0  
11 NEWCOMB ROAD, BETWEEN NEW KINGS ROAD AND LEM  
12 TURNER ROAD, OWNED BY SUNCAP SOUTHEAST  
13 INDUSTRIAL JOINT VENTURE, LLC, AS MORE  
14 PARTICULARLY DESCRIBED HEREIN, PURSUANT TO  
15 APPLICATION NUMBER L-5298-18A; PROVIDING A  
16 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN  
17 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY  
18 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE  
19 DATE.  
20

21 **WHEREAS**, pursuant to the provisions of Section 650.402(b),  
22 *Ordinance Code*, an application for a proposed Large-Scale Amendment  
23 to the Future Land Use Map series (FLUMs) of the *2030 Comprehensive*  
24 *Plan* to change the Future Land Use designation from Light  
25 Industrial (LI) to Low Density Residential (LDR), has been filed by  
26 Paul Harden, Esq., on behalf of Sunicap Southeast Industrial Joint  
27 Venture, LLC, the owner of certain real property located in Council  
28 District 8, as more particularly described in Section 2; and

29 **WHEREAS**, the City, by the adoption of Ordinance 2018-560-E,  
30 approved this Large-Scale Amendment to the *2030 Comprehensive Plan*

1 for transmittal to the Department of Economic Opportunity ("DEO"),  
2 as the State Land Planning Agency, and other required state  
3 agencies, for review and comment; and

4 **WHEREAS**, by various letters and e-mails, the DEO and other  
5 state reviewing agencies transmitted their comments, if any,  
6 regarding this proposed amendment; and

7 **WHEREAS**, the Planning and Development Department reviewed the  
8 proposed revision and application, considered all comments  
9 received, prepared a written report, and rendered an advisory  
10 recommendation to the Council with respect to this proposed  
11 amendment; and

12 **WHEREAS**, the Planning Commission, acting as the Local Planning  
13 Agency (LPA), held a public hearing on this proposed amendment,  
14 with due public notice having been provided, and having reviewed  
15 and considered all comments during the public hearing, made its  
16 recommendation to the City Council; and

17 **WHEREAS**, pursuant to Section 650.408, *Ordinance Code*, the Land  
18 Use and Zoning (LUZ) Committee held a public hearing on this  
19 proposed amendment, and made its recommendation to the City  
20 Council; and

21 **WHEREAS**, pursuant to Section 163.3184(3), *Florida Statutes*,  
22 and Chapter 650, Part 4, *Ordinance Code*, the City Council held a  
23 public hearing with public notice having been provided on this  
24 proposed amendment to the *2030 Comprehensive Plan*; and

25 **WHEREAS**, the City Council further considered all oral and  
26 written comments received during public hearings, including the  
27 data and analysis portions of this proposed amendment to the *2030*  
28 *Comprehensive Plan*, the recommendations of the Planning and  
29 Development Department, the LPA, the LUZ Committee and the  
30 comments, if any, of the DEO and the other state reviewing  
31 agencies; and

1           **WHEREAS**, in the exercise of its authority, the City Council  
2 has determined it necessary and desirable to adopt this proposed  
3 amendment to the *2030 Comprehensive Plan* to preserve and enhance  
4 present advantages, encourage the most appropriate use of land,  
5 water, and resources consistent with the public interest, overcome  
6 present deficiencies, and deal effectively with future problems  
7 which may result from the use and development of land within the  
8 City of Jacksonville; now, therefore

9           **BE IT ORDAINED** by the Council of the City of Jacksonville:

10           **Section 1.           Purpose and Intent.** This Ordinance is adopted  
11 to carry out the purpose and intent of, and exercise the authority  
12 set out in, the Community Planning Act, Sections 163.3161 through  
13 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as  
14 amended.

15           **Section 2.           Subject Property Location and Description.** The  
16 approximately 251.24± acres are located in Council District 8 at 0  
17 Newcomb Road, between New Kings Road and Lem Turner Road (portion  
18 of R.E. No. 019449-0000), as more particularly described in **Exhibit**  
19 **1**, dated March 12, 2019, and graphically depicted in **Exhibit 2**,  
20 both of which are **attached hereto** and incorporated herein by this  
21 reference (Subject Property).

22           **Section 3.           Owner and Applicant Description.** The Subject  
23 Property is owned by SunCap Southeast Industrial Joint Venture,  
24 LLC. The applicant is Paul Harden, Esq., 501 Riverside Avenue,  
25 Suite 901, Jacksonville, Florida 32202; (904) 396-5731.

26           **Section 4.           Adoption of Large-Scale Land Use Amendment.**  
27 The City Council hereby adopts a proposed Large-Scale revision to  
28 the Future Land Use Map series of the *2030 Comprehensive Plan* by  
29 changing the Future Land Use Map designation from Light Industrial  
30 (LI) to Low Density Residential (LDR), pursuant to Application  
31 Number L-5298-18A.

1           **Section 5.           Applicability, Effect and Legal Status.**    The  
2 applicability and effect of the *2030 Comprehensive Plan*, as herein  
3 amended, shall be as provided in the Community Planning Act,  
4 Section 163.3161 through 163.3248, *Florida Statutes*, and this  
5 ordinance. All development undertaken by, and all actions taken in  
6 regard to development orders by governmental agencies in regard to  
7 land which is subject to the *2030 Comprehensive Plan*, as herein  
8 amended, shall be consistent therewith as of the effective date of  
9 this amendment to the plan.

10           **Section 6.           Effective Date of this Plan Amendment.**  Unless  
11 this plan amendment is timely challenged under the procedures set  
12 forth in Section 163.3184(3), *Florida Statutes*, this plan amendment  
13 shall be effective thirty-one days after DEO notifies the City of  
14 Jacksonville that the plan amendment or plan amendment package is  
15 complete. If this plan amendment is timely challenged under  
16 Section 163.3184(3), *Florida Statutes*, this plan amendment shall  
17 become effective when the DEO or the Administration Commission  
18 enters a final order determining the adopted amendment to be in  
19 compliance. If this plan amendment is found not to be in  
20 compliance under the standards and procedures set forth in Chapter  
21 163, Part II, *Florida Statutes*, then this plan amendment shall  
22 become effective only by further action by the City Council. No  
23 development orders, development permits, or land uses dependent on  
24 this amendment may be issued or commence before it has become  
25 effective.

26           **Section 7.           Disclaimer.** The amendment granted herein shall  
27 **not** be construed as an exemption from any other applicable local,  
28 state, or federal laws, regulations, requirements, permits or  
29 approvals. All other applicable local, state or federal permits or  
30 approvals shall be obtained before commencement of the development  
31 or use and issuance of this amendment is based upon

1 acknowledgement, representation and confirmation made by the  
2 applicant(s), owner(s), developer(s) and/or any authorized agent(s)  
3 or designee(s) that the subject business, development and/or use  
4 will be operated in strict compliance with all laws. Issuance of  
5 this amendment does **not** approve, promote or condone any practice or  
6 act that is prohibited or restricted by any federal, state or local  
7 laws.

8           **Section 8.           Effective Date.** This Ordinance shall become  
9 effective upon signature by the Mayor or upon becoming effective  
10 without the Mayor's signature.

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12 Form Approved:

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14           /s/ Shannon K. Eller          

15 Office of General Counsel

16 Legislation Prepared By: Susan Kelly

17 GC-#1307110-v1-L-5298\_LS\_ADP